

NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

PROPOSED RULE AMENDMENT

12NCAC 10B .0905 Terms and Conditions of Detention Officer Instructor Cert.

12NCAC 10B .0909 Terms and Conditions of Limited Lecturer Cert.

12NCAC 10B .0915 Terms and Conditions of Telecommunicator Instructor Cert.



Public Hearing

01/21/2021 10:00am

1700 Tryon Park Drive

Raleigh, NC 27610

Full Commission Vote

March 11, 2021

Guilford County, NC

Instructions for Oral and Written Comments

The public comment period begins on January 4, 2021, and ends at 5:00 p.m. on March 5, 2021. Public comments shall be in writing and shall be directed to:

Diane Konopka
North Carolina Department of Justice
Sheriffs' Education and Training Standards Division
Post Office Box 629
Raleigh, NC 27602-0629

"Public comment" is defined by NCGS 150B-21.3A(a)(5) as a written objection to all or part of a rule. Additionally, pursuant to NCGS 150B-21.3A(c)(2), in order for the Rules Review Commission to determine whether the public comment has merit, the public comment must address the specific substance of the rule and address any of the standards of Commission review, as set forth in NCGS 150B-21.9(a).

Statutory Authority for Proposed Rules Changes: NCGS 17E: On September 18, 2020, the North Carolina Sheriffs' Education and Training Standards Commission proposed an amendment to 12NCAC 10B .0407 to further clarify the process for a former elected or appointed Sheriff to obtain justice officer certification upon leaving office.

Fiscal Impact: None

*****If approved, change would be effective May 1, 2021****

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.



NOTICE OF TEXT [Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

☒ Notice with a scheduled hearing

☐ Notice without a scheduled hearing

☐ Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: NC Sheriffs' Education and Training Standards Commission

2. Link to agency website pursuant to G.S. 150B-19.1(c): <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Sheriffs-Education-and-Training-Standards/All-Commission-Forms-and-Publications.aspx>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

X AMENDMENT: 12NCAC 10B .0905; 12NCAC 10B .0909; 12NCAC 10B .0915

☐ REPEAL:

4. Proposed effective date: 05/01/2021

5. Is a public hearing planned? X Yes ☐ No

If yes: Public Hearing date: 1/21/2021

Public Hearing time: 10:00 am

Public Hearing Location: 1700 Tryon Park Drive. Raleigh, NC 27610

7. Explain Reason For Proposed Rule(s):

12NCAC 10B .0905: Updates/corrects the requirements for Detention Officer Instructor Certification
12NCAC 10B .0909: Updates/corrects the requirements for Limited Lecturer Instructor Certification
12NCAC 10B .0915: Updates/corrects the requirements for Telecommunicator Instructor Certification

Detention Officer and Telecommunicator Instructor Certifications are contingent on General Instructor Certification which is issued by and maintained with the Criminal Justice Education and Training Standards Commission.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

☐ Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Diane N. Konopka

Address: Post Office Box 629

Raleigh, NC 27602

Phone (optional):

Fax (optional):

E-Mail (optional): dkonopka@ncdoj.gov

10. Comment Period Ends: 3/5/2021

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☐ State funds affected 12NCAC 10B .2005
- ☐ Environmental permitting of DOT affected - Analysis submitted to Board of Transportation
- ☐ Local funds affected 12NCAC 10B .2005
- ☐ Substantial economic impact (\geq \$1,000,000) 12NCAC 10B .2005
- ☐ Approved by OSBM 12NCAC 10B .2005
- ☐ No fiscal note required by G.S. 150B-21.4
- ☒ No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: Diane N. Konopka

Address: 1700 Tryon Park Drive
Raleigh, NC 27610

Phone: 919-662-4375

E-Mail: dkonopka@ncdoj.gov

Agency contact, if any:

Phone:

E-mail:

**13. The Agency formally proposed the text of this rule(s) on
Date: 9/18/2020**

14. Signature of Agency Head* or Rule-making Coordinator:



*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Diane N. Konopka

Title: Director

1 12 NCAC 10B .0905 IS PROPOSED TO BE AMENDED AS FOLLOWS:
2

3 **12 NCAC 10B .0905 TERMS AND CONDITIONS OF DETENTION OFFICER INSTRUCTOR**
4 **CERTIFICATION**

5 (a) An applicant meeting the requirements for certification as a Detention Officer Instructor shall serve a
6 probationary period. ~~The probationary period shall be set to expire concurrently with the expiration of the~~
7 ~~instructors' General Instructor Certification issued by the North Carolina Criminal Justice Education and Training~~
8 ~~Standards Commission.~~ The expiration dates of any existing commission-issued Probationary General Detention
9 Officer Instructor Certifications shall be set to expire concurrently with the expiration of the instructors' General
10 Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards
11 Commission. If the time-period before the expiration date is less than one year, then the eight hours of instruction
12 shall be waived for this shortened term and Full General Detention Officer Instructor Certification shall be issued
13 provided all other conditions for Full status as set out in Paragraph (b) of this Section are met. If the applicant has a
14 Full General Instructor certification with no expiration date, the expiration date for the Probationary Detention
15 Officer Instructor Certification shall be set for a period of one year from date of issue.

16 (b) The probationary instructor shall be awarded full Detention Officer Instructor Certification at the end of the
17 probationary period if the instructors certification required in 12 NCAC 10B ~~.0904(a)(2)~~ .0904(a) remains valid,
18 and that the instructor through application, submits to the Division either:

19 (1) a favorable recommendation from a school director accompanied by certification on a commission
20 Instructor Evaluation Form that the instructor satisfactorily taught a minimum of eight hours as
21 specified in Paragraph (e) of this Rule in a basic commission-certified Detention Officer
22 Certification ~~Course Course~~, or in a commission recognized Detention Officer In-Service Course,
23 during his/her probationary year; or

24 (2) an acceptable written evaluation as specified in Paragraph (e) of this Rule by a commission
25 member or staff member based on an on-site classroom evaluation of the probationary instructor in
26 a commission-certified Detention Officer Certification Course. Such evaluation shall be certified
27 on a commission Instructor Evaluation Form. In addition, instructors evaluated by a commission
28 or staff member must also teach a minimum of eight hours in a commission-certified Detention
29 Officer Certification Course during his/her probationary year.

30 (c) The expiration dates of any existing commission-issued Full General Detention Officer Instructor Certifications
31 shall be set to expire concurrently with the expiration of the instructors' Probationary General Instructor
32 Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the
33 time-period before the expiration date shall be less than three years, then the 12 hours of instruction shall be waived
34 for this shortened term and Full General Detention Officer Instructor Certification shall be renewed. If the applicant
35 has a Full General Instructor Certification with no expiration date, the expiration date for the Full Detention Officer
36 Instructor Certification shall be set for a period of three years from the date of issue. Full Detention Officer
37 Instructor Certification is continuous so long as the instructor's certification required in 12 NCAC 10B ~~.0904(a)(2)~~

1 .0904(a) remains valid, and that the instructor submits to the Division every three years a renewal application which
2 includes either:

- 3 (1) a favorable recommendation from a school director accompanied by certification on a commission
4 Instructor Evaluation Form that the instructor satisfactorily taught a minimum of 12 hours as
5 specified in Paragraph (e) of this Rule in a commission-certified Detention Officer Certification
6 ~~Course Course~~, or in a commission recognized Detention Officer In-Service Course, during the
7 previous ~~two~~ three year period. The date full Instructor Certification is originally issued shall be
8 the anniversary date from which each ~~two~~ three year period is figured; or
9 (2) an acceptable written evaluation as specified in Paragraph (e) of this Rule by a commission
10 member or staff member based on a minimum 12 hours, on-site classroom observation of the
11 instructor in a commission-certified Detention Officer Certification Course.

12 (d) In the event a General Detention Officer Instructor Certification (either Probationary or Full) is terminated for
13 failure to have been satisfactorily evaluated for 12 hours of instruction in a Detention Officer Certification Course,
14 the individual may re-apply for certification meeting the initial conditions for such certification, but must also
15 provide documentation that he/she has audited the number of hours of instruction that he/she failed to teach in a
16 delivery of an certified Detention Officer Certification Course.

17 (e) An Instructor Evaluation Form records a rating of instructional ability, student participation, and presentation of
18 the lesson plan consistent with the requirements for successfully completing the Criminal Justice Instructor Training
19 as set out in 12 NCAC 09B .0209.

20 (1) Instructional ability includes the instructor's:

- 21 (A) voice quality (projection, articulation, speech rate);
22 (B) verbal skill (fluency and clarity);
23 (C) physical appearance and mannerisms (attire, posture, body language, eye contact,
24 movement);
25 (D) personal qualities of the instructor (knowledge, self-confidence, tact, enthusiasm,
26 sensitivity); and
27 (E) selection and use of training aids (use of writing surface and other aids, effective use of
28 multimedia, transparencies, and slides, relates aids to objectives, and use of aids when
29 scheduled).

30 (2) Student participation includes the instructor's:

- 31 (A) use of questions to stimulate and encourage discussion and response to student questions;
32 1. (B) ability to stimulate and encourage class participation, maintain the students
33 attention and engagement of all students effectively;
34 (C) organization in the arrangement of the classroom for maximum effect, ensuring all
35 training tools/items are ready when needed, and presentation for the class lesson; and

(D) exercise of control and discipline of the students to maintain proper behavior and orderliness in the classroom, ability to remain in control during classroom discussions and handle of class disruptions and problems.

(3) Presentation of lesson plan includes the instructor's:

(A) full coverage of the lesson plan;

(B) presentation of information in logical sequence;

(C) timing of presentation to allow for sufficient time for questions and discussion;

(D) transition of subjects with continuous progression and development of lesson;

(E) emphasis of key points and frequent summarization of topics to entire lesson or course and use of vivid examples to clarify the subjects; and

(F) frequent establishment of relevance of the topics to entire lesson or course and use of vivid examples to clarify the subjects; and

(G) consistency of presentation in following the lesson plan.

(f) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of hours instruction on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor from fulfilling the teaching requirement.

History Note: Authority G.S. 17E-4;

Eff. January 1, 1989;

Amended Eff. February 1, 2006; January 1, 2005; August 1, 2002; January 1, 1996; January 1, 1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.

Amended Eff. May 1, 2021.

1 12 NCAC 10B .0909 IS PROPOSED TO BE AMENDED AS FOLLOWS:
2

3 **12 NCAC 10B .0909 TERMS AND CONDITIONS OF A LIMITED LECTURER CERTIFICATION**

4 (a) An applicant meeting the requirements for certification as a Limited Lecturer shall serve a probationary period.
5 The expiration dates of any existing commission-issued Limited Lecturer Certifications, where the individual holds
6 instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission,
7 shall be set to expire concurrently with the other instructor certification(s) issued by the North Carolina Criminal
8 Justice Education and Training Standards Commission. In the event such instructor does not hold instructor
9 certification under the North Carolina Criminal Justice Education and Training Standards Commission, but holds
10 another instructor certification(s) issued through this Commission, the expiration date shall be set to expire
11 concurrently with the other instructor certification(s) issued by this Commission. Where the instructor holds no
12 certification through either Commission, certification as a Limited Lecturer shall remain effective for 12 months
13 from the date of issuance. The lecturer shall apply for Full Limited Lecturer Certification at or before the expiration
14 date. If the time-period before the expiration date is less than one year, then the four hours of instruction shall be
15 waived for this shortened term and Full Limited Lecturer Certification shall be issued provided all other conditions
16 for Full status as set out in this Section are met.

17 (b) The probationary instructor shall be eligible for full Limited Lecturer status at the end of the probationary period
18 if the instructor, through application, submits to the Commission:

19 (1) documentation on a commission Form LL1 of at least four hours of instruction occurring within
20 the probationary period in an area of the instructor's expertise related to each topic for which
21 Limited Lecturer Certification was granted; and

22 (2) documentation that all other certifications required in 12 NCAC 10B .0908 remain valid.

23 (c) The expiration dates of any existing commission-issued Full Limited Lecturer Certifications shall be set to
24 expire concurrently with the expiration of the corresponding instructors' certification issued by the North Carolina
25 Criminal Justice Education and Training Standards Commission. In the event such instructor does not hold
26 instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission,
27 but holds another instructor certification(s) issued through this Commission, the expiration date shall be set to expire
28 concurrently with the other instructor certification(s) issued by this Commission. The lecturer shall apply for
29 recertification at or before the expiration date. If the time period before the expiration date is less than three years,
30 then the six hours of instruction shall be waived for this shortened term and Full Limited Lecturer Instructor
31 Certification will be renewed provided all other conditions for Full status as set out in Subparagraph (2) of this
32 Paragraph are met. Full Limited Lecturer Certification shall be continuous so long as the lecturer submits to the
33 Division every ~~two~~ three (3) years:

34 (1) documentation on a commission Form LL1 of at least six hours of instruction occurring within the
35 three-year certification period in an area of the instructor's expertise related to each topic for which
36 Limited Lecturer Certification was granted; and

1 (2) a renewal application to include documentation that all other certifications required in 12 NCAC
2 10B .0908 remain valid.

3 (d) In the event a Limited Lecturer Instructor Certification (either Probationary or Full) is terminated for failure to
4 have provided documentation of the minimum number of hours of instruction occurring within the respective
5 certification periods in an area of the instructor's expertise related to each topic for which Limited Lecturer
6 Certification was granted, the individual may re-apply for certification meeting the initial conditions for such
7 certification, but must also provide documentation on a commission Form LL2 that he/she has audited the number of
8 hours of instruction he/she failed to teach in the topic area for which Limited Lecturer Certification was granted in
9 the respective area of expertise.

10 (e) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of
11 hours instruction on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means
12 accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor
13 from fulfilling the teaching requirement.

14
15 *History Note: Authority G.S. 17E-4;*

16 *Eff. January 1, 1989;*

17 *Amended Eff. January 1, 2006; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1996;*
18 *January 1, 1994; January 1, 1992; January 1, 1991;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
20 *2018.*

21 *Amended Eff. May 1, 2021.*

1 12NCAC 10B .0915 IS PROPOSED TO BE AMENDED AS FOLLOWS:

2
3 **12 NCAC 10B .0915 TERMS AND CONDITIONS OF TELECOMMUNICATOR INSTRUCTOR**
4 **CERTIFICATION**

5 (a) An applicant meeting the requirements for certification as a Telecommunicator Instructor shall serve a
6 probationary period. ~~The Telecommunicator Instructor Certification probationary period shall be set to automatically~~
7 ~~expire concurrently with the expiration of the instructor's General Instructor Certification issued by the North~~
8 ~~Carolina Criminal Justice Education and Training Standards Commission.~~ The expiration dates of any existing
9 commission-issued Probationary General Telecommunicator Instructor Certifications shall be set to expire
10 concurrently with the expiration of the ~~instructors,~~ instructor's Probationary General Instructor Certification issued
11 by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the
12 expiration date is less than one year, then the eight hours of instruction shall be waived for this shortened term and
13 Full General Telecommunicator Instructor Certification shall be issued provided all other conditions for Full status
14 as set out in Paragraph (b) of this Rule are met. If the applicant has a Full General Instructor Certification with no
15 expiration date for the Probationary Telecommunicator Officer Instructor Certification shall be set for one (1) year
16 from date of issue.

17 (b) The probationary instructor shall be awarded full Telecommunicator Instructor Certification at the end of the
18 probationary period if the instructor's certification required in 12 NCAC 10B ~~.0914(a)(2)~~ .0914(a) remains valid, and
19 that the instructor through application, submits to the Division either:

- 20 (1) a favorable recommendation from a school director accompanied by certification on a commission
21 Instructor Evaluation Form that the instructor satisfactorily taught a minimum of eight hours as
22 specified in Paragraph (e) of this Rule in a commission-certified Telecommunicator Certification
23 ~~Course~~ Course, or in a commission recognized Telecommunicator In-Service Training Course
24 during his/her probationary year; or
25 (2) an acceptable written evaluation as specified in Paragraph (e) of this Rule by a commission
26 member or staff member based on an on-site classroom evaluation of the probationary instructor in
27 a commission-certified Telecommunicator Certification Course. Such evaluation shall be certified
28 on a commission Instructor Evaluation Form. In addition, instructors evaluated by a commission
29 or staff member must also teach a minimum of eight hours in a commission-certified
30 Telecommunicator Certification Course during his/her probationary year.

31 (c) The expiration dates of any existing commission-issued Full General Telecommunicator Instructor Certifications
32 shall be set to expire concurrently with the expiration of the instructors' Probationary General Instructor
33 Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the
34 time-period before the expiration date is less than three years, then the 12 hours of instruction shall be waived for
35 this shortened term and Full General Telecommunicator Instructor Certification shall be renewed. If the applicant
36 has a Full General Instructor Certification with no expiration date, the expiration date for the Full Telecommunicator
37 Officer Instructor Certification shall be set for three (3) years from the date of issue. Full Telecommunicator

Instructor Certification is continuous so long as the instructor's certification required in 12 NCAC 10B .0904(a)(2) remains valid, and that the instructor submits to the Division every three years a renewal application and either:

- (1) a favorable recommendation from a school director accompanied by certification on a commission Instructor Evaluation Form that the instructor satisfactorily taught a minimum of 12 hours as specified in Paragraph (e) of this Rule in a commission-certified Telecommunicator Certification Course, or a commission recognized Telecommunicator In-Service Training Course during the previous ~~two~~ three (3) year period. The date full Instructor Certification is originally issued is the anniversary date from which each three year period is figured; or
- (2) an acceptable written evaluation as specified in Paragraph (e) of this Rule by a commission member or staff member based on a minimum 12 hours, on-site classroom observation of the instructor in a commission-certified Telecommunicator Certification Course.

(d) In the event a General Telecommunicator Instructor Certification (either Probationary or Full) is terminated for failure to have been evaluated for the required minimum number of hours of instruction in a Telecommunicator Certification Course, the individual may re-apply for certification meeting the initial conditions for such certification, but must also provide documentation that he/she has audited the number of hours of instruction that he/she failed to teach in a delivery of a certified Telecommunicator Certification Course.

(e) An Instructor Evaluation Form records a rating of instructional ability, student participation, and presentation of the lesson plan consistent with the requirements for successfully completing the Criminal Justice Instructor Training as set out in 12 NCAC 09B .0209.

(1) Instructional ability includes the instructor's:

- (A) voice quality (projection, articulation, speech rate);
- (B) verbal skill (fluency and clarity);
- (C) physical appearance and mannerisms (attire, posture, body language, eye contact, movement);
- (D) personal qualities of the instructor (knowledge, self-confidence, tact, enthusiasm, sensitivity); and
- (E) selection and use of training aids (use of writing surface and other aids, effective use of multimedia, transparencies, and slides, relates aids to objectives, and use of aids when scheduled).

(2) Student participation includes the instructor's:

- (A) use of questions to stimulate and encourage discussion and response to student questions;
- (B) ability to stimulate and encourage class participation, maintain the students attention and engagement of all students effectively;
- (C) organization in the arrangement of the classroom for maximum effect, ensuring all training tools/items are ready when needed, and presentation for the class lesson; and

(D) exercise of control and discipline of the students to maintain proper behavior and orderliness in the classroom, ability to remain in control during classroom discussions and handle of class disruptions and problems.

(3) Presentation of lesson plan includes the instructor's:

(A) full coverage of the lesson plan;

(B) presentation of information in logical sequence;

(C) timing of presentation to allow for sufficient time for questions and discussion;

(D) transition of subjects with continuous progression and development of lesson;

(E) emphasis of key points and frequent summarization of topics to reinforce learning;

(F) frequent establishment of relevance of the topics to entire lesson or course and use of vivid examples to clarify the subjects; and

(G) consistency of presentation in following the lesson plan.

(f) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of hours instruction on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor from fulfilling the teaching requirement.

History Note: Authority G.S. 17E-4;

Eff. April 1, 2001;

Amended Eff. February 1, 2006; January 1, 2005; August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.